IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 3RD JANUARY 2007 / 13TH PAUSHA 1928

WA.No. 1938 of 2006()

AGAINST THE JUDGEMENT/ORDER IN WPC.18408/2005 Dated 22/06/2006

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APPELLANT:
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1. KERALA STATE ELECTRICITY BOARD,
REP. BY SECRETARY, VYDHYUTHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM.

2. THE CHIEF ENGINEER (HRM),
KSEB VYDHYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM.

3. DEPUTY CHIEF ENGINEER,
KSEB, GENERATION CIRCLE, THRISSUR.

4. EXECUTIVE ENGINEER,
KSEB, K.G. DIVISION, KAKKAYAM.

BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB

RESPONDENTS:

P.V. LORANCE,
ELECTRICITY WORKER, KSEB, K.G. DIVISION,KAKKAYAM.

BY ADV. SRI.P.M.PAREETH

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 03/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.A. ABDUL GAFOOR & K.R. UDAYABHANU, JJ

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W.A. NO. 1938 OF 2006

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Dated this the 3rd day of January 2007

JUDGMENT

Abdul Gafoor,J

The appellant-Electricity Board declined request for promotion from the Writ Petitioner/first respondent on the ground of alleged relinquishment. The counsel submits before us that the alleged relinquishment was given by the first respondent/writ petitioner on 27.11.1990 while he was working as Mazdur. According to the appellant he has relinquished for further promotion. But it is a fact that in the gradation list of Lineman Grade II and Grade I his name has appeared. Further according to the 1st respondent/writ petitioner, the said relinquishment was with a condition to be operative in case he was being posted as welder. The appellant does not have a case that there was no such condition in the relinquishment. The relinquishment letter which ought to have been preserved along with the service records is not produced. Necessarily, the 1st respondent has to

be believed. A conditional relinquishment cannot be acted upon until the condition is satisfied. The appellant has no case that he had been posted as welder. Necessarily whatever the service benefits he did have, based on his seniority of Mazdur and consequent promotion shall have to be granted. That was what the learned single Judge has directed. We find no reason for interference.

The Writ Appeal is dismissed accordingly.

K.A. ABDUL GAFOOR, JUDGE

K.R. UDAYABHANU, JUDGE.

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